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THE
DISSENTERS
CASE

ABOUT THE

Five hundred Pounds
FORFEITURE,

Upon such as Accepted

EMPLOYMENTS

UNDER THE

Late King, without being Qualified,
Modestly Enquired into.

Humbly Recommended to the Consideration of the Hono-
rable House of Commons.

L O N D O N :

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THE HISTORY OF

THE UNITED STATES

OF AMERICA

FROM 1776 TO 1876

BY J. W. FULTON

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THE DISSENTERS CASE, &c.

IT cannot but seem strange to any one that shall take a view of this Nation, from the time of her Reformation, to behold with how great a vehemency the Two Parties of Church and Dissenter have run upon each other, when the differences betwixt them are so few and inconsiderable. What can shew a greater Malignity and Inveteracy of Disposition, than the Story of *Cox* and *Knox* in *Queen Mary's* time, who were but just escaped out of the Flames in *England*, and had scarce settled themselves at *Franckfort*, when they began to stir up Differences about the ceremonious part of Religion, which (to the ignominy of our English Nation) after ended in a malicious Impeachment of *Knox*, for some Words he had said against the Emperor in a Sermon he had preached several years before in *Buckinghamshire*?

I shall not here take upon me to decide who was in the greatest fault, but any one that will take the pains to look the Story in *Fuller's Church History*, will easily discern where it ought to be placed. I could give several Instances, that the like malignity of Spirit was carried

on both sides through Queen *Elizabeths* Reign, and so on to this time : But these things are so well known, that it would be tedious to repeat them. But in short, the severities which were exercised by the Church of *England*, from the time of the first settlement, after the Reformation, till the breaking out of the late unhappy Civil Wars, were such, that were Revenge allowable, the Presbyterians might easily be excused for all the Cruelties and Severities, which, whilst they were uppermost, were exercised upon the Church-men.

And again, the same Reason might excuse the Proceedings on the other side, since the Restauration of King *Charles* the Second ; and at the same rate the like Severities might be carried on alternately, according to the prevalence of the Party to all Eternity : But these things are so far unbecoming Christians, that they are not to be endured amongst Men ; and had *Lucretius*, the Epicurean Philosopher, heard of such things as these, I do not doubt but he would have cried out with greater indignation, than he did at the Story of *Agamemnon's* Daughter, *Tantum Religio potuit suadere malorum* : But now is the time in which, it ever, we may expect to be freed from these Miseries : Now we have got a King endued with so many Godlike Virtues, that it is not to be doubted, but he will be as industrious in allaying, as his Predecessors have been in fomenting these Differences, which have been so long and lasting a plague to this Nation. I know there are several hot Men yet left on both Parties, that are for carrying on the revenge ; but (thank God) they are so thin strewed, that I hope they will be able to do no hurt.

I must confess there is one thing now on foot, which seems to me to carry in it a more than ordinary heat ; and that is, the late Vote in the House of Commons, for levying the Five hundred pounds forfeiture upon such as have exercised any Office in the late King *James's* time, without taking

taking the Oath and Sacrament: And indeed, though the Act was principally designed against Papists, yet I my self could be content, that those Protestants that complied with them so far, as to run themselves into the same offence, should have some light sort of punishment, for example to Posterity: But we must have a care, lest in punishing them, we punish our selves too, and the whole Nation: God Almighty indeed, in the Second Commandment hath said, *The iniquities of the fathers shall fall upon the children*, but I know no place in Scripture, where he hath commissioned Mankind to punish one Man for anothers fault; and therefore when the Parliament cometh to consider, how great an inconveniency the imposing of the Five hundred pounds Penalty will be, both to every one of themselves in particular, and the whole Nation in general; I do not doubt but they will either pardon these Men quite, or find out some other as effectual, though more convenient way of punishment: For to alledge that the Crime and Punishment are already stated by Act of Parliament, and therefore not to be altered, is a ridiculous sort of language to be made use of to a House of Commons, when they are proceeding by vertue of their legislative Power; as if an Act of Parliament now were not of sufficient force to annul one made in King Charles the Second's time; or, as if it were not as easie to change or abrogate an old Law, as to make a new one.

Indeed, in one of His Majesties Courts of *Westminster-hall* this might be made use of as a good Argument; for there they are bound up by Rule, and tyed to follow the Methods prescribed them by Parliament, and not left at large to follow the Dictates of their own Natural Reasons and Consciences: And yet in this case, if the whole Matter came fairly before them, and the party to be convicted, made it appear by sufficient evidence (I mean such as would be convincing to a Jury) that he was a Protestant; and this was set forth by special Verdict, it would be a moot Point whether

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whether he ought to incur the Penalties of the Statute of the 25th of Car. 2d, or no: For the true way of interpreting an Act of Parliament, is to look at the intent of the Makers, and the mischief it is made to prevent, which is generally set forth in the Preamble; and the Preamble of the 25th of Car. 2d, runs thus: *For preventing dangers which may happen from Popish Recusants, and quieting the minds of his Majesties good Subjects, Be it enacted, &c.* Now it is plain from hence, that this Statute was never intended against any but Papists: For what could the keeping Protestant Dissenters out of Office, conduce to the prevention of Dangers from Popish Recusants? And any one that is but moderately acquainted with the History of the time, in which this Act was made, cannot but know, that to have made use of it against Protestant Dissenters, would have been so far from quieting the Minds of his Majesties good Subjects, that it had been the ready way to have inflamed them: And I leave it to any one that pretends to the Law, to judge Whether an Act of Parliament made for creating a punishment for a thing lawful before, be to be stretched further than the intent of the first Makers?

I might have driven this Nail a great deal further, and have shewed you the inconveniences, which have several times already happened, by misinterpreting the Laws intended against Roman Catholicks, to extend to Protestant Dissenters: But I think all this beside the present Question; for I must still stick to my old Position, That the House of Commons are not at all bound up, or restrained by any of our ancient Acts of Parliament, in any thing they do, as they are part of the Legislative Power. These indeed are Rules which the Judges in *Westminster-hall* are to be guided by; and indeed the Parliament Men themselves, if we take them in their private Capacities: But as they are part of the Legislative Power, they are bound up to no Rules, but the Dictates of their own Natural Reason; and whatsoever
this

this tells them, is most for the interest of the Nation, to be done or not done, they are bound in conscience to do, or not do, without any respect to any former Law, or Act of Parliament to the contrary.

The only thing therefore that now remains to be done, is to examine Whether the Consequences of imposing these Penalties, will be so dismal, as I have before surmised, which I do so little doubt of proving, that I only desire the Members of the House of Commons, to consider thoroughly what I shall here lay down.

I have only Acquaintance in two or three Corporations, but we may take our parallel from them, and by that judge of the rest of *England*; there are some of them which have fifteen or sixteen Persons apiece in them, and those the most substantial Men, and greatest Traders in the whole Corporation, who are liable to the Five hundred pound Penalties, by reason of Offices which they bore towards the latter end of King *James's* time, without taking the Oaths; These, taking one with another, have fifteen or sixteen of the Handy-crafts Men of the Corporation apiece, that wholly depend upon them; these are the Men to whom they vent their Wares, and often upon trust; so that if these break, they do not only lose whatever was due to them, from the Man that breaks, but besides are at great losses for want of a Chapman, before they can bring their Trade again into its ancient Channel, though perhaps at last some other Tradesman cometh and supplies the place of him that is broke, and with much ado, the poor Workman at last recovers. But supposing this Distemper should run generally throughout *England* at once, and instead of sixteen only, five or six break in every Corporation throughout *England* at one time; Whether would not this, instead of a loss for a time, be the certain ruin of all the sixteen poor Handy-crafts Men, which had their dependance upon each of them? For in this Case there would be no body left

left to supply the place of him that breaks; it would certainly cast such a general damp upon all manner of Trade, that it is mightily to be questioned Whether the Nation would ever be able to recover it; at least it would unhinge our Trade for three or four years: And I only desire any one to consider how many thousands of Families in *England*, in the mean while, would be undone by it? Whether this at last would not certainly come home to the Gentlemens own Doors? For though few of them be immediately concerned in Trade themselves, yet it is upon this that they have their dependance: Handy-crafts Men take their Lands off their hands, and that is it which makes them let dearer near great Towns; and if these Men be ruined, Rents must of consequence fall, not only near Corporations, but all over *England*; for it is the Trading part of the Nation, that makes the greatest consumption of all our Commodities; they eat up our Beef and Mutton, they work up our Wool, they drink our Ale, consume our Corn; and if they be pinched, all these Commodities must necessarily lie in Tenants hands, and then how shall they be able to pay their Rents? But perhaps it may be thought unreasonable to reckon sixteen to a Corporation throughout *England*, that are lyable to the Penalties of the 25th of *Charles* the Second, or that the imposing a Five hundred pound Penalty, must cause every Man of these to break. I must confess to reckon sixteen to a Corporation, is more than the Case will bear; but taking one Corporation with another, it will be a modest reckoning to reckon that there are half the number lyable to the Penalties in each Corporation; for it was King *James's* business towards the latter end of his time to engage the Presbyterian party, as much as he could, in the same irregularities, which he was guilty of himself, that so by making them lyable to the lash of the Law, he might make it their interest to support him, lest if he should fall, they should be called to an account: In pursuance to this
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(though not with the effect he hoped for) he picks out all the leading Men of the Party, which must necessarily be the Traders, which are generally the richest, and those upon whom the rest have their dependance; and upon these, he in a manner imposes by force all manner of Offices in Corporations, with the Penalty of incurring his displeasure, upon all such as should dare to take the Oaths required by Law.

Now any one that hath observed with how great Industry this Project was carried on ; how many People employed in it, and that neither cost nor pains were spared in any thing that might conduce to the accomplishment of it, cannot without betraying his own Judgment, compute fewer than eight to a Corporation : And if for every eight that are lyable to the Penalties, we only reckon that five will break, it is sufficient to do my business.

Now to prove that we may reckon this, let us consider, that the Trade of this Nation links Men together after such a manner, that they depend wholly upon one another : We seldom see one Man break, but four or five break presently after him, at least his Misfortune is a great weakning to all his Neighbours ; and if this be the consequence of one Man's misfortunes, we may easily guess what will be the consequence of so many breaking at once, as it is plain they will do, if these Five hundred pound forfeitures be imposed upon them ; for if we consider what is generally the estimate of a Country Tradesman's Stock, we shall find that Five hundred pounds will make a great hole in it.

Indeed, there are some few that are worth Four or five thousand pounds apiece, but for one that is, there are ten that are not worth above Two thousand, twenty that are not worth One thousand, and thirty that are not worth above Four or five hundred pounds apiece.

Now the first sort are so few in number, that they are not worth our consideration : But who can imagine that the Two thousand pound Men will not translate themselves into

Holland, or any other Trading Country, rather than lose a fourth part of what they are worth? and if so, much more the third Sort that lose half: And as for the fourth Sort, which are the most considerable, because the most incurable, it is all one whether they run away or no; because if they do not, the Forfeitures will certainly break their backs, and make them Beggars at home; so that if this be granted, all that I have laid down before, will not only naturally follow, but we also lose another great Branch of our design, that is, the vast sum of Money, that this Persecution (for it will be the greatest, if it goeth on, that ever fell upon the Protestants in *England*, since *Queen Maries* days) is to bring into the Treasury; for it is plain from the Premises, that the generality of those that are concerned, will so order their Matters, that though His Majesty may perhaps have the keeping of some of their Carcasses, he is likely to have very little to do with their Estates.

It will be needless to add, that these very Men, that are now under the censure of the House of Commons, have both by their Contributions to, and readiness to assist those that were in Arms for His Majesty, when Prince of *Orange*, and by their demeanor, since he came to the Crown (which I wish I could as truly say of some others) shew'd themselves as much for His Majesties Interest, as any.

It will also be needless to add, how much King *James* was mistaken, when he turned out these Mens Predecessors, who made it apparent by the Civility and good Language they treated those Men with, that were in Arms for the delivery of the Nation, what was to have been expected from them, had they been in Authority.

This I say is needless, for since it is apparent, that the imposing the Five hundred pound Forfeitures upon all the unqualified People, that were in Office in the latter end of King *James's* time, will be the ruin of so many thousands of poor Tradesmen in this Kingdom; and by the consequence

sequence a general impoverishment to the Nation ; since every Body , not excepting the Members of Parliament themselves, will be losers, and neither the King, nor any body else gainer by it ; since it is as easie and lawful , and a great deal more commendable to pardon the Offence , than impose the Penaltie ; especially since it was never the intent of the Law-makers themselves, that it should fall upon Protestants ; no doubt, but the Parliament will take care, either to exempt all Protestants from the punishment, or at least to change it to something else, that will produce none of these dismal effects.

F I N I S.
